

SEDGWICK COUNTY, KANSAS

BOARD OF COUNTY COMMISSIONERS



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March 6, 2024

To: The Honorable Susan Humphries, The Honorable Bob Lewis, The Honorable Dennis Highberger and House Judiciary Committee Members

Re: House Bill 2381

Dear Chair Humphries, Vice Chair Lewis, Ranking Minority Member Highberger, and Committee members:

I am writing on behalf of the Sedgwick County Board of County Commissioners regarding HB 2381, which would require courts to appoint an attorney to represent a child who is the subject of a child in need of care proceeding, while making the appointment of a guardian ad litem optional.

As a Board, we believe that the best interests of the children in these cases is of the utmost importance. We also deeply appreciate the Chair's dedication to advocating for children who are the subject of these difficult circumstances. While we have ultimately taken a neutral stance on this legislation, we would like to take the opportunity to address the potential implications of HB 2381, both for children who are the subjects in these cases and Sedgwick County generally.

First, current statute requires the appointment of an attorney as a guardian ad litem to represent the best interests of the child(ren) in CINC cases. This is a notable difference from the role of an attorney appointed to advocate for the child's wishes rather than what is in their best interests. Unfortunately, a child's wishes and what is in their best interests often do not align. This is why the investigation and recommendation of the guardian ad litem is invaluable. When there is a disagreement between the guardian ad litem and the child, the option currently exists for an attorney to be appointed to represent the child's position. In short, if the requirement for a guardian ad litem is removed and is instead made optional, we worry that there will not be representation of what is in the child's best interests as that is not the role of the appointed attorney anticipated by HB 2381.

The Honorable Susan Humphries, The Honorable Bob Lewis, The Honorable Dennis Highberger
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Second, we also have concerns regarding the fiscal impacts of this legislation on Sedgwick County. We are responsible for the payment of appointed attorneys, including those appointed as guardians ad litem. A guardian ad litem can represent a complete sibling group. An appointed attorney under HB 2381 would likely not be able to represent a complete sibling group, which means Sedgwick County would be responsible for the additional expense associated with each sibling having their own representation. Further, there is a shortage of attorneys practicing in this area in Sedgwick County. In order to attract additional attorneys to participate in the appointment list, we would likely have to increase the hourly rate under our contracts.

We appreciate your consideration of our testimony in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'R Baty', written over a small dot.

Ryan Baty, Chairman

Board of County Commissioners of Sedgwick County